

REMARKS

Claims 1-26 remain in the application. Claims 1-26 have been rejected. Claims 1, 2, 4, 10, 12, 16, 18, 22, and 26 have been amended. Applicant requests reconsideration of the rejections in view of the amendments and the following remarks.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 1-26 under 35 U.S.C. 103(a) as being unpatentable over Sawada et al. (US 6,909,902) in view of Gudat et al. (Gudat) (US 6,771,609). Claim 1, as amended, is not rendered obvious by the cited combination of references because neither Sawada nor Gudat, whether viewed individually or in combination, teach or suggest a “system for providing directions to a user of a wireless unit to move to a target position for improving reception.”

Sawada does not teach or suggest sending the user of a mobile unit instructions on where to move to get better reception; instead, Sawada teaches finding a location of a determination station. All of the discussions in Sawada relate to communications between the base station and a mobile station, but none to the user. Gudat does not teach or suggest the limitations of claim 1. In fact, Gudat is not cited for this; instead, the Office Action at page 3 cites Gudat for dynamically updating a propagation model.

Claims 2 through 9 are dependent upon claim 1 and are therefore not rendered obvious by Sawada and Gudat for at least the same reasons that claim 1 is not rendered obvious.

Claim 10 is a method counterpart to claim 1 and it also includes the limitation of sending

the user of a mobile unit instructions on where to move to get better reception. Therefore, claim 10 is allowable for at least the same reasons that claim 1 is allowable.

Claim 11 through 17 are dependent on claim 10 and are allowable for at least the same reasons that claim 10 is allowable.

Claim 18 is a program product counterpart to claims 1 and 10 and also contains the limitation of sending a user of a wireless unit instructions on where to move to get better reception. Therefore, claim 18 is allowable.

Claims 19 through 21 are dependent on claim 18 and are allowable for at least the same reasons that claim 18 is allowable.

Claim 22, as amended, also contains the limitation of sending a user of a wireless unit instructions on where to move to get better reception; therefore claim 22 is allowable.

Claims 23 through 26 are dependent on claim 22 and are allowable for at least the same reasons that claim 22 is allowable.

The prior art cited is actually objective evidence of nonobviousness. Neither Sawada nor Gudat are cited as anticipatory references. In fact, the Office Action concedes that Sawada does not disclose “determining the target position for improved communication for the wireless unit based in part on information representing a recent position of the wireless unit and based in part on historical data on received signal strength at the recent and target positions.” Office Action at page 3.

Gudat is only cited for a method for dynamically updating a propagation model ...” The

Office Action also concedes that a long-felt need and an unsolved problem in the art existed by stating that the reason that a person skilled in the art would have found it obvious to combine the references was for the purpose of allowing accuracy in target position determinations such that relative distance can be determined. Such long-felt need and failure of others is objective evidence of nonobviousness. Northern Telecom Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990). When such evidence exists, as here, it must be considered. Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 1376, 231 USPQ 81, 87 (Fed. Cir. 1986). These real world facts in this case compel a conclusion that the invention would not have been obvious.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims.

Respectfully submitted,



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